

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NANCEE LARSON,

Plaintiff,

v.

COMMONSPIRIT HEALTH,

Defendant.

Case No. 2:23-cv-00747-TLN-JDP (PS)

**FINDINGS AND RECOMMENDATIONS**

THAT THIS ACTION BE DISMISSED FOR  
PLAINTIFF'S FAILURE TO COMPLETE  
SERVICE OF PROCESS AND FAILURE TO  
COMPLY WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

In April 2023, plaintiff filed a complaint and paid the required filing fee. Plaintiff, however, had not filed proof of service demonstrating that defendant was properly served. Fed. R. Civ. P. 4(l). Accordingly, on January 12, 2024, I ordered plaintiff to show cause within fourteen days why this action should not be dismissed for failure to effect service of process within the time prescribed by Rule 4(m). ECF No. 4. I also warned plaintiff that failure to respond to the January 12 order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not responded to the court's January 12 order. Consequently, plaintiff has neither demonstrated that she has properly served defendant, nor has

1 she shown cause why this action should not be dismissed for failure to timely effect service of  
2 process. Accordingly, it is hereby RECOMMENDED that:

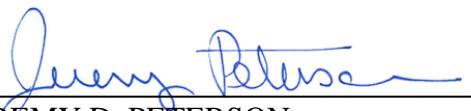
3 1. This action be dismissed without prejudice for failure to complete service of process  
4 and comply with court orders; and

5 2. The Clerk of Court be directed to close the case.

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
8 after being served with these findings and recommendations, any party may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
11 objections shall be served and filed within fourteen days after service of the objections. The  
12 parties are advised that failure to file objections within the specified time may waive the right to  
13 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
14 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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17 IT IS SO ORDERED.

18 Dated: February 23, 2024

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20 JEREMY D. PETERSON  
21 UNITED STATES MAGISTRATE JUDGE  
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